

## Remarks

### Amendment to the Specification

Applicant has amended paragraph 0031 of the specification to more precisely describe the position of the knit tube portion or stock in relation to the support tube. Specifically, the term “on” has been replaced by the term “around” to more clearly describe how the knit tube portion fits on the support tube such that the inner surface of the knit tube portion contacts the outer surface of the support tube. Support for this amendment is found in Figures 1-4 in the specification. Applicant respectfully requests entry of this amendment into the record.

### The § 112, second paragraph Rejection of Claim 16

The Examiner rejected Claim 16 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, Claim 16 failed to further limit independent Claim 14 by positively reciting that the claimed operation step is a cutting step.

Applicant has amended Claim 16 to positively define the operation step as a cutting step. Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 16 under §112, second paragraph.

### The § 102 (b) Rejections of Claims 1-5,14-18, 20, 23, and 24

The Examiner rejected Claims 1, 2, 14, and 15 under 35 U.S.C. § 102 (b) as anticipated by U.S. Patent No. 3,961,400 to Schmid (“Schmid” or “the Schmid patent”). Applicant has amended independent Claims 1 and 14 from which Claims 2 and 15 respectively depend. Applicants respectfully traverse the rejection of Claims 1 and 14 as amended and request reconsideration.

“A claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described in a single prior art reference.” *Vandergaal Bros. v. Union Oil of California*, 814 F.2d 628, 631; 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). MPEP § 2131. (Emphasis added.) Applicant respectfully submits that the Schmid patent fails to anticipate Claims 1 and 14 as it fail to disclose each element of those claims.

Regarding Claim 1, that claim includes at least one cutting means associated with the at least one rotating tubular support in the claimed apparatus. Support for this amendment is seen at least in paragraphs 0015, 0031, and 0032 as well as in Figures 1-4. In contrast, Schmid is directed solely to a machine to dry either open or tubular knit stock and makes no disclosure or

teaching of any device or method to cut either the flat knit or the tubular knit stock let alone a cutting device associated with one or more of the rotating support tubes. Therefore, because Schmid fails to disclose the association of a cutting device with the tubular support, Applicant respectfully submits the Schmid patent fails to disclose each element of Claim 1. Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 1 as anticipated by the Schmid patent.

Regarding Claim 14, that claim includes the step of putting a tubular stock around a tubular support. This amendment is supported by amended paragraph 0031 and Figures 1-4 which show a piece or portion of knitted tube stock placed around a tubular support meaning that the inside surface of the tube stock is in direct contact with the outer surface of the support tube. In contrast, as described in the Schmid patent, the tube stock is passed from a roller to a rotating drying drum in such a manner that it lays flat on the drum with its outer surface in contact with the outer surface of the drying drum. Thus, Schmid fails to anticipate Claim 14 as it fails to disclose a treatment method in which knitted tube stock is placed around the support tube. Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 14 as anticipated by the Schmid patent.

Claim 2 depends from Claim 1 and Claim 15 depends from Claim 14. Thus, they incorporate all the limitations of those respective base claims. Because, as discussed above, the Schmid patent fails to anticipate all the elements of Claims 1 and 14, it also fails to anticipate Claims 2 and 15, respectively. Applicant respectfully requests the removal of the rejections of Claims 2 and 15 and allowance of those claims.

The Examiner rejected Claims 1, 3-5, 14, 16, and 17 under 35 U.S.C. § 102 (b) as anticipated by U.S. Patent No. 3,864,794 to Baumann (“Baumann” or “the Baumann patent”). Applicant has cancelled Claim 3 rendering the rejection of that claim moot. Applicant has amended independent Claims 1 and 14 as described above. Applicant respectfully traverses this rejection and requests reconsideration.

“A claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described in a single prior art reference.” *Vandergaal Bros. v. Union Oil of California*, 814 F.2d 628, 631; 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). MPEP § 2131. (Emphasis added.) Applicant respectfully submits that the Baumann patent fails to anticipate Claims 1 and 14 as it fail to disclose each element of those claims.

Regarding amended Claim 1, Applicant respectfully submits that the Baumann patent fails to anticipate Claim 1 as it fails to disclose a separate adhering means that holds the tubular knit stock to the outer surface of the tubular support. Although the apparatus disclosed in Baumann includes a sensor that senses the presence of a knit tube on the tubular support, that sensor itself does not actually act to hold the knit tube to the outer surface of the tube. Similarly, the Baumann patent fails to anticipate Claim 14 as it fails to disclose the step of adhering the knit tube stock to the outer surface of the support tube. Thus, because Baumann fails to disclose each element of Claims 1 and 14, specifically an adhering means that holds knit tube stock to the outer surface of the support tube or the step of adhering the knit tube to the outer surface of the support, it fails to anticipate Claims 1 and 14 of the instant application. Applicant respectfully requests reconsideration and allowance of Claims 1 and 14.

Claims 4 and 5 depend from Claim 1 and thus incorporate all the limitations of that claim. Claims 16 and 17 depend from Claim 14 and incorporate all the elements of that claim. Because, as discussed above, the Baumann patent fails to anticipate all the elements of Claims 1 and 14, it also fails to anticipate Claims 4-5 and 16-17. Applicant respectfully requests the removal of the rejections of Claims 4-5 and 16-17 as anticipated under § 102 (b) by the Baumann patent and allowance of those claims.

The Examiner rejected Claims 1-3, 18, 20, 23, and 24 under 35 U.S.C. § 102 (b) as anticipated by U.S. Patent No. 5,317,887 to Inoue (“Inoue” or “the Inoue patent”). Applicant has cancelled Claim 3 thereby rendering the rejection of that claim moot. Applicant has amended independent Claim 1 as described above. Applicant respectfully traverses this rejection and requests reconsideration.

“Every element of the claimed invention must be literally present arranged as in the claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). (Emphasis added.) Applicant respectfully submits that the Inoue patent fails to anticipate amended Claim 1 as it fails to disclose an adhering system that adheres a knit tube stock to the outer surface of the support tube. First, Inoue is directed to a bobbin treating system that enables the treatment of yarn in the form of a string or thread, not a piece of knit tube stock that is actually a knit piece of fabric. As noted by the Examiner, the “periphery of holes” in the support tube seen in the Inoue patent are found at each end of the tube to allow the yarn thread to pass through the interior of the tube. (See Inoue, col. 3, lines 32-34 stating, “... and a suction pipe 76 for drawing the yarn end thus cut into the center hole Bd of the bobbin B.” Emphasis added.) Thus, the suction

system disclosed in Inoue actually draws up the yarn through the interior of the bobbin, which is analogous to the support tube, while the claimed invention adheres the tubular knit stock to the outer surface of the support tube. In addition, Applicant respectfully submits that the arrangement of the two holes, one at each end of the bobbin, would not provide the suction force necessary to adhere a knit tube to the outer surface of the bobbin as none of the suction force would pass through the outer surface of the tube where the knit tube stock is located.

Thus, the Inoue patent fails to anticipate Claim 1 because it fails to disclose an element of Claim 1 as arranged in that claim, namely an adhering means that adheres a knit tube portion to the outer surface of the bobbin or support tube. Applicant respectfully requests reconsideration and allowance of Claim 1.

Claims 2, 18, 20, 23, and 24 depend from Claim 1 and thus incorporate all the limitations of that claim. Because, as discussed above, the Inoue patent fails to anticipate all the elements of Claim 1, it also fails to anticipate Claims 2, 18, 20, 23, and 24. Applicant respectfully requests the removal of the rejections of Claims 2, 18, 20, 23, and 24 and allowance of those claims.

#### The § 103 Rejection of Claims 4, 6, and 19

The Examiner rejected Claims 4 and 19 under 35 U.S.C. § 103 (a) as obvious over the Inoue patent. Claims 4 and 19 depend from amended Claim 1 and thus incorporate all the elements of that claim. Applicant respectfully traverses this rejection and requests reconsideration.

Both Claims 4 and 19 are directed to an embodiment in which the support tube rotates in an electronically controlled axis. Applicants respectfully point out that both Claim 4 and Claim 19 depend from Claim 1 and thus incorporate all the limitations of that claim. Consequently, both Claim 4 and Claim 19 claim an apparatus having an adhering means that enables a knit tube stock to be adhered to the outer surface of the support tube. As noted above, the Inoue patent fails to teach or suggest an adhering means that holds a knit tube stock to the outer surface of the support tube.

Taking the claimed invention as a whole, it can be seen that the differences between the Inoue patent and the claimed inventions prevent the Inoue patent from establishing a *prima facie* case of obviousness against Claims 4 and 19. First, Inoue discloses a bobbin treating system that allows for the treatment of yarn in the form of a string or thread. Claims 4 and 19 allow for the processing of a piece of knit fabric in the form of a tube. Second, as claimed in Claims 4 and 19, the claimed apparatus includes an adhering means that enables a

knit tube to be adhered to the outer surface of the support tube. The motivation for this is to enable a cutter or other processing device to have access to the tubular workpiece to effect processing. In contrast, as noted by the Examiner, the plurality of holes in the Inoue bobbins is located at each end of the bobbin. This allows for the suction (analogous to the claimed adhering means) of the threaded yarn into the interior of the bobbin. The suction system taught in Inoue cannot adhere the knit tube stock to the outer surface of the bobbin because there are no holes in the sides of the outer surface that would enable the suction system in Inoue to hold the tube fabric in place on the outer surface. Moreover, there is no teaching in Inoue to suggest to a person of ordinary skill in the art to enable the adherence of anything on the outer surface of the bobbin because the Inoue system is directed only to processing individual thread. Even if the yarn thread is wound around the bobbin, there is no motivation to modify the bobbin to provide a separate exterior adhering means because it is well known that thread will stay in place when wound around a bobbin without using a separate adhering means. Moreover, the Inoue patent does not suggest a separate exterior adhering means as that would add unnecessary expense and complication to the yarn treatment process. For these reasons, Applicant respectfully submits that the Inoue patent fails to establish a *prima facie* case of obviousness against Claims 4 and 19. Applicant respectfully requests reconsideration and allowance of Claims 4 and 19.

The Examiner rejected Claim 6 under 35 U.S.C. § 103 (a) as obvious over the Baumann patent. In addition, although not formally cited, it also appears that in this rejection, the Examiner cited U.S. Patent No. 6,283,001 to Schultes (“Schultes” or “the Schultes patent”) as teaching a cutting laser. Applicant is responding to the rejection as if Schultes is cited in view of Baumann. Claim 6 originally depended from Claim 3. Because Claim 3 has been cancelled, Claim 6 has been amended to depend from amended Claim 1. Applicant respectfully traverses this rejection of Claim 6 and requests reconsideration.

Applicant respectfully submits that the combined Baumann and Schultes patents fail to render Claim 6 obvious because taken as a whole the two patents together fail to teach or suggest all the limitations of Claim 6. In addition, they fail to provide any motivation to a person of ordinary skill in the art to modify either or both of the Baumann or Schultes disclosures to render Claim 6 obvious. As noted above, Baumann fails to teach or suggest any modification of the yarn bobbin to allow a knit tube piece or portion to be adhered to the outer surface of the bobbin. The Schultes patent fails even further in this regard. Although

Schultes suggests the use of a laser cutting device, it does not provide for an adhering means nor is there any motivation to provide one. This is because in Schultes, the fabric to be treated is supported on a horizontal conveyor where the fabric is cut. There is no need in Schultes to provide for an adhering means. Therefore, Applicant respectfully submits that taken together and considering the entire invention claimed in Claim 6, the combined Baumann and Schultes patents fail to render Claim 6 obvious as they not only fail to teach an adhering means acting on the outer surface of a support tube, considering both of those disclosures together, they also provide no motivation to combine those two inventions to include such an adhering means, as it would add unneeded expense and complications to the apparatuses disclosed in those patents. Applicant respectfully requests reconsideration and allowance of Claim 6.

### Conclusion

Applicant respectfully submits that the present application is now in condition for allowance, which action is courteously requested. The Examiner is invited and encouraged to contact the undersigned attorney of record if such contact will facilitate an efficient examination and allowance of the application.

Respectfully yours,



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